

E-filed 11/1/06

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5 Attorneys for Plaintiff ROSEANNE MCLEAN,

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 ROSEANNE MCLEAN,) Case No.: C 06-04795 JF
13 Plaintiff,)
14 v.)
15 MATT SECK in his personal capacity; BRET)
16 AJAX in his personal capacity; FRANCISCO)
17 GONZALEZ in his personal capacity; MARK)
18 McCULLOUGH in his personal capacity;)
19 EDGAR VALDES in his personal capacity;)
20 DERRICK MARION in his personal capacity;)
21 DAVE BICKEL in his personal capacity;)
22 JESUS GUTIERREZ in his personal capacity;)
23 KATE NEWMAN in her personal capacity;)
24 NATASHA VASQUEZ in her personal)
capacity; JOE McCULLOUGH in his personal)
capacity; ALBA ESPINOZA in her personal)
capacity; ALLISON MARTINEZ in her)
personal capacity; KEVIN ORTEGA in his)
personal capacity; and RICK ZAMORA in his)
personal capacity, and DOES 1 through 10,)
inclusive,

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26 Defendants.
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1 Plaintiff ROSEANNE MCLEAN hereby applies to the Court ex parte for an Order
2 seeking a corrected scheduling order. The Scheduling Order previously issued by the Court
3 applies to cases asserting denial of right of access under the Americans With Disabilities Act
4 ("ADA") Title III (42 U.S.C., § 12181-89). The instant case does not involve any ADA claims.
5 Instead, the instant case involves claims brought pursuant to 42 U.S.C. § 1983. Thus, the Court's
6 Order does not seem appropriate for the instant case. For example, the current scheduling order
7 requires a joint site inspection. Such an inspection would probably not be relevant to the instant
8 case.
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10 Dated: October 19, 2006

POLARIS LAW GROUP, LLP

12 By William L Marder
13 WILLIAM L. MARDER, Attorney for Plaintiff
14 ROSEANNE MCLEAN

15 11/1/06 IT IS SO ORDERED.


16 JUDGE JEREMY FOGEL, US DISTRICT COURT
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